

Property and Evidence

804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

For Destruction Only - Includes an item of property that is illegal or prohibited for a private citizen to possess (e.g., non-chargeable narcotics possession or illegal weapons, etc.). An officer takes custody for the purposes of disposal or destruction.

Safekeeping - Includes items belonging to a known person an officer has reason to take into custody as a result of an arrest or an investigation and is not evidence or contraband. This classification is used when the department has some responsibility to safeguard the property of an individual who is unable to care for it. Safekeeping items should have an address and phone number of the owner. Examples include the following types of property:

- Property obtained by the department for safekeeping such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

High-Risk Items - Includes currency and negotiable instruments, firearms, controlled substances, jewelry, precious metals and may include other items having a high monetary value.

804.3 PROPERTY HANDLING (CALEA 84.1.4)

In the event an officer first comes into possession of property, the officer shall retain such property in his/her possession until it is properly tagged or packaged and placed in the designated property lockers along with the signed Quick Property receipt. Care shall be taken to maintain the chain of custody for all property.

Weapons submitted to the Evidence and Property Room will be held until no longer needed for evidentiary or legal purposes. Weapons no longer needing to be held shall be either returned to the legal owner (in accordance with §804.5.5 and/or §804.5.6), be destroyed, or alternatively converted to department use (e.g., training purposes).

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Seized or recovered explosives will be properly disposed of and will not be used for investigative, training, or any other purpose.

The taking of lost and found items to the Lost and Found Office shall be the responsibility of the finder or of the Airport Duty Manager (ADM).

804.3.1 PROPERTY BOOKING PROCEDURE (CALEA 84.1.1)

All property must be booked prior to the employee going off duty. Employees booking property shall observe the following guidelines:

- (a) A case report or incident supplemental detailing the circumstances by which the property came into the officer's possession is required when booking evidence and safekeeping items. A case report is required when booking any firearm. An incident supplemental is sufficient for items booked for destruction only, provided it details the circumstances of the incident.
- (b) Complete the Quick Property Entry in LERMS describing each item of property separately, listing all serial numbers, condition, and other identifying information or markings. Please make a notation in the description field of any item(s) which require fingerprint analysis or lab testing. The date and time the item was collected, along with the name of the collecting officer, shall also be completed. If custody of an item was transferred to another officer while in the field, the date and time of the transfer along with the names of the involved officers will also be recorded. This can be noted in the remarks section or on the Quick Property receipt.
- (c) Affix a property tag to the item or place it in an appropriately sized bag or envelope. Label the packaging with the case or incident number, officer name and badge number, date obtained, and item description matching the description entered in LERMS.
- (d) The property and signed Quick Property receipt shall then be placed and locked into a secure locker in the temporary evidence locker room. If the property is too large to be placed in a locker, the item may be directly booked at the evidence room during hours of operation. If this occurs when the evidence room is not open, store the item(s) in the temporary evidence locker room at the airport and notify the evidence technician.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

- (a) Field-tests are the responsibility of the submitting officer. When controlled substances are seized as evidence, the officer submitting the evidence shall field-test the item(s) before packaging them for evidence. Charges cannot be filed without a properly documented field test (even if the suspect identifies and admits to the narcotics). Field testing is not required for khat, prescription pills / capsules, steroids, or any type of drug that is for destruction only. Field testing of marihuana is needed for felony marihuana cases, DUIs, and for misdemeanor cases (e.g., underage possession).

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- (b) Drugs submitted to the Evidence Room shall be weighed (and counted if appropriate), by the submitting officer. The officer shall use an approved calibrated department scale for all weighing. This information should be recorded on the packaging and in the Quick Property entry. Submitted drugs shall have **two** weights provided as a minimum:
 - 1. The weight of the controlled substance minus all packaging. This weight is required by the prosecutor and factors in to drug court eligibility, sentencing, plea agreements, and so forth. This weight shall be recorded in the Quick Property "Quantity" and "Unit of Measure" drop down boxes.
 - 2. The other required weight to obtain is the gross weight (total packaged weight). This weight is required for control, auditing, and accreditation purposes and is verified when the evidence item enters or leaves the evidence room. This measurement includes the controlled substance, suspect's packaging, evidence container, evidence tape, and any labels. It is the weight of the evidence package immediately prior to securing it in the evidence locker. This weight shall be recorded in the "Description" field of the Quick Property entry along with a description of the item.
- (c) Controlled substances submitted to the Evidence Room, whether for evidentiary or destruction purposes, should be sealed in a paper evidence bag, box, or paper envelope. Taping of factory seals is not required, but should be done if leakage is possible, for example, submitting loose marijuana with no suspect packaging. Do not use plastic bags when packaging khat, marijuana, or mushrooms.
- (d) Drugs shall be weighed and packaged separately. Do not package drugs with paraphernalia, different drugs together, or drugs recovered from different locations (for example drugs from the trunk with drugs located from the passenger compartment).
- (e) Khat contains Cathinone (a Schedule I drug) and Cathine (a Schedule IV drug). As the leaves mature, Cathinone is converted into Cathine, so timely and proper storage is essential to prevent further loss of the Schedule I component. Weigh and photograph khat as it is packaged. A representative number of bundles should be separated from the larger amount of khat, typically 2-3 bundles. The sample bundles will be retained for lab analysis and court. The remaining khat should be booked as Confiscation/Contraband and will be for destruction only. All khat, whether for analysis or destruction, shall be packaged in paper bags. The sample bundles of khat shall be frozen as soon as possible to prevent loss of the Schedule I component.

804.3.3 EXCEPTIONAL HANDLING

- (a) Currency shall be packaged separately from other evidence or safekeeping items. With amounts of \$250 or more, a supervisor shall verify the count and initial the evidence tape seals along with the officer. Officers shall note in the Quick Property description field which supervisor verified the count.
- (b) Hypodermic needles are generally not to be placed into evidence unless it is critical to the case. Hypodermic needles are to be disposed of in an approved sharps container. The contents of a syringe may be evacuated into a container for submission to the

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lab, provided a sharps container is readily available. Do not re-cap syringes, but rather dispose of them in a sharps container.

- (c) Items that are wet or have bodily fluid stains should be dried prior to packaging. These items should be packaged in paper, not plastic bags. If items need extensive drying, package and secure the items and contact the evidence technician. These items will be dried over blotter paper in the Evidence drying room. Once dried, they will be repackaged along with the blotter paper.
- (d) Knives or sharp objects shall be sufficiently padded or secured to prevent injury to personnel handling the item. Secure switchblades and other spring loaded items to prevent them from opening inside of the packaging.
- (e) Port of Seattle property, unless connected to a known criminal case, should be released directly to the appropriate Port department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

804.3.4 PROPERTY SUBJECT TO FORFEITURE

Whenever property seized by the department is subject to forfeiture, specific notification procedures must be followed. It shall be the responsibility of the assigned officer, or detective to ensure the following notifications are completed.

The owner of the property will be notified of the seizure and intended forfeiture of the seized property within 15 days following the seizure. Notification includes any person having any known right or legal interest in the seized property, including any community property interest. The notice of the seizure may be made by any method authorized by law (RCW 10.105.010).

The notification will include the legal reason for the seizure and information regarding how to appeal the pending forfeiture.

Notification procedures for property seized under Asset Forfeiture (RCW 69.50.505) are detailed in the Asset Forfeiture Policy.

804.3.5 CLANDESTINE DRUG LABS

- (a) No employee shall retrieve, transport, or handle any item involved in or near an active clandestine methamphetamine lab.
- (b) If it is suspected that a methamphetamine laboratory has been discovered in the course of an investigation, the officer shall immediately contact their supervisor who will then contact CIU. If necessary, the applicable fire agency may also be contacted and asked to respond as a safety precaution only.
- (c) For active investigations with suspects, or if suspects may be developed with further investigation, contact the WSP Statewide Incident Response Team (SIRT). WSP may provide a team of investigators specifically trained for processing clandestine laboratory scenes.

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- (d) If no police investigation will be conducted and only site clean-up is needed, contact the Washington State Department of Ecology (WS-DOE) in accordance with RCW 69.50.511.
- (e) Small samples of drugs and chemicals may be collected for laboratory analysis. Collection shall be done in consultation with WSP-SIRT and submitted items shall be clearly marked, "Meth Lab Investigation".

804.3.6 EXPLOSIVES/FIREWORKS/AMMUNITION

Officers who encounter an explosive device shall immediately notify the on-duty shift supervisor. The Bomb Squad will be called to handle situations involving explosive devices and all such devices will be released to them for disposal.

Consumer fireworks can be collected and placed in the designated fireworks drop box located in the temporary evidence locker area at the airport. Notify the BDU Team Leader whenever placing properly packaged items in this container. Label packaging with the incident or case number. This drop box is not to be used for IEDs or professional grade fireworks. No Quick Property entry is required.

Loose ammunition confiscated for destruction only will be placed into non-evidence packaging and secured with staples or regular (non-evidence) tape. Ammunition already in a container, such as a factory box, can be taped shut. Write the incident number and item description on the packaging and place the item in the designated ammunition drop box. No Quick Property entry is required.

Ammunition that is evidence or magazines, clips, speed loaders for destruction shall not be submitted utilizing this procedure. These items should be documented in Quick Property and placed into an evidence locker with the signed Property Entry Receipt.

804.3.7 FIREARMS

- (a) Firearms shall be checked for a registered owner and stolen status by the submitting officer.
- (b) Firearms shall be safely unloaded as soon as possible and always prior to submission to the Evidence Room. All firearms shall be submitted in a manner that ensures that the action or cylinder remains open, typically by using a zip-tie.
- (c) The submitting officer shall photograph the firearm, including close-up photos of the weapon's markings and serial numbers, and any manufacturer/importer markings. These photos shall be attached to the case report.
- (d) Package firearms and ammunition separately. Do not package all of the items in one container since the firearm can become scratched by an unsecured magazine. It is acceptable to package guns in paper bags or in boxes. Always package items in accordance with the WSP Evidence Handbook.
- (e) Minimize handling if the firearm, magazine, and ammunition are to be processed for latent prints or DNA. Unload the weapon, but there is no need to unload the magazine

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merely to count the bullets. Package the magazine separately, but leave it intact to prevent damaging latent prints or DNA that may be present. If latent prints or DNA are to be tested, the evidence technician should be contacted for processing.

804.3.8 STORAGE OF SURRENDERED FIREARMS

Officers shall accept and store a firearm from any individual who has been ordered by a court under RCW 9.41.800 (Surrender of weapons) or the Extreme Risk Protection Order Act to surrender the firearm. The officer receiving the firearm shall:

- (a) Record the individual's name, address and telephone number.
- (b) Record the firearm's serial number.
- (c) Record the date that the firearm was accepted for storage.
- (d) Prepare a property receipt form and provide a copy to the individual who surrendered the firearm.
 - (a) If the firearm was surrendered pursuant to the Extreme Risk Protection Order Act, the original receipt should be forwarded promptly to the Police Records Specialist for timely filing with the court (RCW 7.94.090).

The property and evidence technician shall store a firearm accepted pursuant to this policy.

804.3.9 TRACE EVIDENCE

- (a) The clothing of suspects/victims are prime accumulators of trace evidence and should be collected as soon as possible.
- (b) When collecting clothing from a person, that person should first stand on a clean piece of non-printed paper. As each item is removed, it should be carefully folded and packaged separately. The paper should then be folded and submitted for analysis with the collected items.
- (c) To prevent cross contamination, keep suspect and victim clothing separate and use new or clean tweezers, combs, or scissors during the collection process.
- (d) Threads, fibers, and hairs should be handled with clean tweezers or forceps and packaged in clean, dry containers such as envelopes, pill boxes, etc. These should be labeled to identify the location of collection.
- (e) It is a good practice to collect control samples and submit for comparison.
- (f) When hair samples are collected from a live victim or suspect, they should be taken from different areas of the body including: the crown, temple, beard, arm, chest, back, pubic, and leg areas.
- (g) For complicated scenes, the evidence technician or State Crime Lab may be called to process the scene.

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804.3.10 LATENT FINGERPRINTS

Latent prints are perhaps the most common form of physical evidence. Because latent prints are fragile and susceptible to destruction, proper collecting, handling and packaging of the evidence is critical. Members of this department should adhere to their crime scene processing training while collecting latent fingerprints.

804.3.11 PROCESSING LATENT FINGERPRINTS AT CRIME SCENE

Members should adhere to the following procedures when processing items while on scene:

- (a) Once powder-developed latent prints have been lifted, they should be placed onto a designated latent-print card.
- (b) Each latent-print card should be properly identified with written information to include the case number, the date, type of crime, crime scene location, location of the lift, type of object processed and information identifying the person who lifted the print.
- (c) A simple sketch of the object to describe the location from which the lift was made may be drawn on the card as an addition to the written information.
- (d) Any of the officer's prints appearing on the card should be crossed out and initialed.
- (e) Completed latent-print cards should be placed into an evidence envelope prior to being submitted into evidence. If needed, multiple latent-print cards from the same incident may be placed into a single evidence envelope.

804.3.12 COLLECTING ITEMS TO BE SUBMITTED FOR LATENT FINGERPRINT PROCESSING

Generally, the types of surfaces from which latent prints can be developed fall into two categories.

- **Surfaces that are hard, smooth and non-absorbent-** Latent fingerprints located on these types of surfaces are very fragile as they generally remain exposed on the surface and are susceptible to destruction if rubbed or brushed against other objects. Items with these surface characteristics should be packaged individually in order to protect the surfaces to be processed.
- **Surfaces that are smooth, absorbent and porous -** Latent fingerprints left on this type of surface are more readily "absorbed" and will not be as easily destroyed by contact with another surface. If needed, and because of their porous, absorbent surface characteristics, multiple items such as paper and cardboard may be loosely packaged into a single container.

804.3.13 SPECIAL CIRCUMSTANCES

There may be times where special circumstances necessitate the need for additional expertise or resources to properly process a scene or items for latent fingerprints. The Criminal Investigations Division Sergeant or Commander should be contacted to provide guidance or coordinate CID response whenever one or more of the following situations arise.

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- When an item requires both latent print collection and collection of blood.
- If latent print processing of an item may affect needed DNA analysis of the item.
- If an item requires both latent print processing and document examination.
- Other special circumstances that exceed the abilities of personnel on the scene.

Once contacted, CID personnel will decide on a course of action which may include providing guidance to the on-scene members, responding to the scene to assist and / or coordinating response from outside resources such as AFIS, WSP Crime Lab, The Medical Examiner, etc.

804.3.14 COMPARISON PRINTS

Generally, the taking of fingerprints from individuals for comparison or exclusion purposes (e.g., vehicle prowler and burglary victims) can facilitate analysis of print cards and should be collected if possible.

804.4 RECORDING OF PROPERTY

The property and evidence technician receiving custody of evidence or property shall record his/her signature, and the date the property was received on the Quick Property receipt. The Total Packaged Weight (TPW) of drug items will be obtained using a calibrated scale. This value will be recorded in LRMS and written on the Quick Property receipt. The chain of custody for items will be documented in the LERMS system. Any changes to storage locations, status, etc. will also be recorded in LERMS.

804.5 PROPERTY CONTROL

Each time the property and evidence technician receives property or releases property to another person, he/she shall enter this information in LERMS and sign a printed receipt. Officers desiring property for court shall contact the property and evidence technician at least one day prior to the court day.

804.5.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, and appropriate entry in LERMS shall be completed to maintain the chain of possession. No evidence will be disposed of without written authorization from the case detective (if assigned), CID Sergeant and Commander.

804.5.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY (CALEA 83.3.2)

The property and evidence technician will complete the applicable lab request form and be responsible for submitting evidentiary items to the applicable crime lab. When checking drug evidence in or out of the property room, the total package weight (as entered into evidence) shall be measured with a calibrated scale and recorded. Evidence items will be packaged using methods set out in the WSP evidence handling manual. The chain of custody shall be updated in LERMS when checking items in and out of the property room or when sending items by commercial shipper. The lab request form will be submitted to the lab along with the evidence.

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Upon return of the evidence and the crime lab report, the evidence technician will be responsible to ensure that the chain of custody log has been properly updated. Only written test results will be accepted from the crime lab. Once received, the written test results will be forwarded to Records for inclusion in the case file.

804.5.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted in LERMS, stating the date, time and to whom released.

The property and evidence technician shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to the Property Room or properly released to another authorized person or entity.

The return of the property should be recorded in LERMS, indicating date, time, and the person who returned the property.

804.5.4 AUTHORITY TO RELEASE PROPERTY

The Criminal Investigations Division shall authorize the disposition of all evidence coming into the care and custody of the department. Release of all guns that are classified as Safekeeping will also be approved by the Criminal Investigations Division Commander prior to release.

804.5.5 RELEASE OF PROPERTY

The Port of Seattle Police Department shall make every effort to return personal property that is in the possession of this department when such property is not considered evidence of a crime or is no longer needed as evidence. The department shall attempt to return this property within six months after legal requirements have been met. To accomplish this, the property and evidence technician shall make a reasonable attempt to identify and call the lawful owner. If the owner is not able to be reached by phone, the property and evidence technician shall provide written notice via US Mail after the property is authorized to be released.

If the property remains unclaimed beyond sixty (60) days after the written notice to the property owner (if known), the department may (RCW 63.32.010, 63.40.010):

- (a) At any time thereafter sell the property at public auction to the highest and best bidder for cash in the manner provided by RCW 63.32 or 63.40. The disposition of all proceeds from such auctions shall be accounted for and recorded according to law (RCW 63.32.030).
- (b) Retain the property for the use of the department subject to giving notice in the manner prescribed in RCW 63.32.020 (or 63.40.020) and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the Chief of Police, the property consists of firearms or other items specifically usable in law enforcement

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work, provided that at the end of each calendar year during which there has been such a retention, the department shall provide the Port's elected body and retain for public inspection a list of such retained items and an estimation of each item's replacement value. At the end of the one-year period any unclaimed firearm shall be disposed of pursuant to RCW 9.41.098(2).

- (c) Destroy an item of personal property at the discretion of the Chief of Police if he/she determines that the following circumstances have occurred:
 - 1. The property has no substantial commercial value, or the probable cost of sale exceeds the value of the property; and
 - 2. The item has been unclaimed by any person after notice procedures have been met as prescribed in this section; and
 - 3. The Chief of Police has determined that the item is unsafe and unable to be made safe for use by any member of the general public.
- (d) In addition to any other method of disposition of unclaimed property provided under this section, the department may donate unclaimed personal property to nonprofit charitable organizations. A nonprofit charitable organization receiving personal property donated under this section must use the property, or its proceeds, to benefit needy persons. Such organization must qualify for tax-exempt status.
- (e) After sixty (60) days of notifying the owner (if known), unclaimed money will be deposited in the Port of Seattle's General Fund as unclaimed money.

If the item is not unsafe or illegal to possess or sell, it may, after satisfying the notice requirements as prescribed in RCW 63.32.020, be offered by the Chief of Police to bona fide dealers in trade for law enforcement equipment. Such equipment shall be treated as retained property for purpose of annual listing requirements of the RCW. Such items may be destroyed at the discretion of the Chief of Police if he/she believes that it has been, or may be used in a manner that is illegal (RCW 63.32.010).

The property and evidence technician shall release the property upon proper identification being presented by the owner (or their designee) for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the chain of custody and the proper entry shall be documented in LERMS.

804.5.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Port may wish to file an interpleader to resolve the disputed claim.

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804.5.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The property and evidence technician will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department.

804.5.8 PROPERTY DEPICTING A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT

No property or material that depicts a minor engaged in sexually explicit conduct shall be copied, photographed or duplicated. Such material shall remain under the control of this department or the court and shall be made reasonably available for inspection by the parties to a criminal proceeding involving the material. The defendant may only view these materials while in the presence of his/her attorney or an individual appointed by the court either at this department or a neutral facility as approved by the court (RCW 9.68A.001). Any request for inspecting such material should be brought to the attention of the assigned investigator or an investigation supervisor.

804.6 DISPOSITION OF PROPERTY

All personal property, other than vehicles governed by Chapter 46.52 RCW, not held for evidence in a pending criminal investigation or proceeding, and held for 60 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The property and evidence technician should request a disposition or status on all property which has been held in excess of 60 days, and for which no disposition has been received from a supervisor or detective (RCW 63.32.010; RCW 63.40.010).

804.6.1 BIOLOGICAL EVIDENCE

The property and evidence technician shall ensure that no biological evidence held by the department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Criminal Investigations Division Commander

Biological evidence shall be retained for a minimum period established by Washington law (RCW 5.70.010) or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Criminal Investigations Division Commander.

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Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved crime shall not be disposed of prior to expiration of the statute of limitations (RCW 5.70.010). Even after expiration of the applicable statute of limitations, the Criminal Investigations Division Commander should be consulted.

804.6.2 DRUG EVIDENCE

When drug items are prepared for destruction, the items shall be visually inspected to detect possible tampering. A random selection of the items shall be weighed using a calibrated scale to further detect tampering. Once the items are prepared for destruction, the outer box shall be sealed shut with tape and initialed by the officers preparing the items. These seals shall be inspected and verified prior to destruction. The destruction of the drugs shall be witnessed by at least one other officer who does not have access to the property room.

804.6.3 RETURN OF FIREARMS

Prior to the return of a privately owned firearm, the property and evidence technician shall ensure confirmation of the following (RCW 9.41.345):

- (a) The individual to whom the firearm is to be returned is the individual from whom the firearm was obtained, an authorized representative of the individual or other person identified by a court order.
- (b) The individual is eligible to possess a firearm pursuant to RCW 9.41.040.
- (c) The firearm is not required to be held in custody or is prohibited from release.
- (d) Twenty-four hours has elapsed from the time the firearm was obtained by law enforcement.
- (e) Notification is made to those family or household members who have requested notification pursuant to established department protocol (RCW 9.41.340).
 - 1. Firearms shall be held in custody for 72 hours from the time notification is provided.

Upon confirmation that the individual is eligible to possess a firearm and any applicable notifications are complete, the firearm shall be released to the individual or authorized representative upon request without unnecessary delay.

If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from release, written notice shall be provided to the individual within five business days of the date the individual requested return of the firearm. The written notice shall include the reason the firearm must remain in custody.

804.6.4 RELEASE OF FIREARMS IN EXTREME RISK PROTECTION ORDER MATTERS

If an extreme risk protection order is terminated or expires without renewal, a firearm taken or surrendered pursuant to the order shall be returned to the person after (RCW 7.94.100):

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- (a) Confirming through a background check that the person is currently eligible to possess the firearm under federal and state law.
- (b) Confirming with the court that the extreme risk protection order is no longer in effect.
- (c) Notice has been provided to a family or household member who requested notification.

If an individual other than the restrained person claims title to any firearms surrendered or taken into custody, and that individual is determined to be the lawful owner and a lawful possessor of the firearm, the firearm shall be returned to that individual provided that he/she agrees to store the firearm in a manner that prevents the restrained person from access (RCW 7.94.090).

804.7 INSPECTIONS OF THE EVIDENCE ROOM (CALEA 84.1.6)

- (a) On a semi-annual basis, the supervisor of the evidence technician shall perform a documented inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Documented unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.
- (c) An annual audit of evidence held by the department shall be conducted by a Division Commander (as appointed by the Chief of Police) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the Evidence Room, an inventory of all evidence/property shall be conducted by the new individual(s) gaining access privileges, along with a designee of the Chief of Police who is not associated to the Property Room or function to ensure that records are correct and all evidence property is accounted for.

804.7.1 EVIDENCE AND PROPERTY ROOM SECURITY

Access to the Port of Seattle Police Department Evidence and Property Room is restricted to authorized department personnel only. It shall be the responsibility of the property and evidence technician to control all access to the Evidence and Property Room.

The property and evidence technician shall maintain a log of all persons entering the secured area of the Evidence and Property Room. Personnel, other than those assigned to the Evidence and Property Room, who have legitimate business in the secured area will be required to record their name, the date, time and purpose for entry.

804.8 EVIDENCE ROOM PROCEDURES

It is the responsibility of the Criminal Investigation's Division Property and Evidence Technician to manage and control all property and evidentiary property obtained by employees and placed into agency control. This responsibility includes maintenance of accurate paper and computer records. Property will be stored, released, and disposed of according to policies and procedures outlined within this manual.

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Additional security measures shall be taken when storing high-risk items. All high risk items (cash, firearms, controlled substances, jewelry, precious metals, etc.) shall be stored as appropriate in one of the Property Room safes or secure gun lockers. Exceptions may be made for the temporary storage of bulk high-risk materials such as large amounts of marijuana.

804.8.1 ACCESS

- (a) Only the property and evidence technician and back-up property and evidence technician will have keys to the secure areas of the Property Room. The doors of the Property and Evidence Room (P&ER) shall be kept closed and locked any time the property and evidence technician is not physically in the room.
- (b) Only the property and evidence technician will have all of the safe combinations. The back-up technician shall have the combination for a temporary storage safe that contains sealed envelopes with the other safe combinations. If a safe needs to be accessed by the back-up technician they shall only open the envelope corresponding to that safe and notify the property and evidence technician and CID supervisor detailing their actions.
- (c) The locked cabinets, safes, and cage within the P&ER shall only be unlocked or opened when the property and evidence technician or back-up technician is actually placing items in or taking items out of those areas.
- (d) Only authorized personnel shall enter the P&ER, and only when accompanied by the property and evidence technician or the back-up technician. All visitors shall sign into the P&ER log book noting time of entry and departure and reason for visit.
- (e) The P&ER alarm shall be armed when the room is closed. Only the property and evidence technician and back-up technician will have the access codes. Access codes shall be changed at least semi-annually. Alarm checks of the P&ER shall be coordinated with the Communications Center and done at least monthly. A temporary alarm system may be used for a short duration if the main security system is not functioning.